UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

ENTROPIC COMMUNICATIONS, LLC,	Civil Action No. 2:22-ev-00125-JRG
Plaintiff	JURY TRIAL DEMANDED
v.	
CHARTER COMMUNICATIONS, INC.,	
Defendant.	

CHARTER'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT OF THE ASSERTED CLAIMS OF THE '682 AND '690 PATENTS

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I. STATEMENT OF ISSUES TO BE DECIDED BY THE COURT¹

- 1. Whether the Court should grant summary judgment of non-infringement with respect to claims 1-3 of U.S. Patent No. 10,135,682 (the "'682 patent").
- 2. Whether the Court should grant summary judgment of non-infringement with respect to claims 7 and 8 of U.S. Patent No. 8,284,690 (the "'690 patent").

II. STATEMENT OF UNDISPUTED MATERIAL FACTS

A.	Entropic's Infringement Allegations
1.	
2.	
2	
3.	

¹ Emphasis is added herein, unless specified otherwise.

² "Ex." refers to Exhibits to the Declaration of Elizabeth Long In Support Of Charter's Motion For Summary Judgment Of Non-Infringement Of The Asserted Claims Of The '682 And '690 Patents, filed herewith.

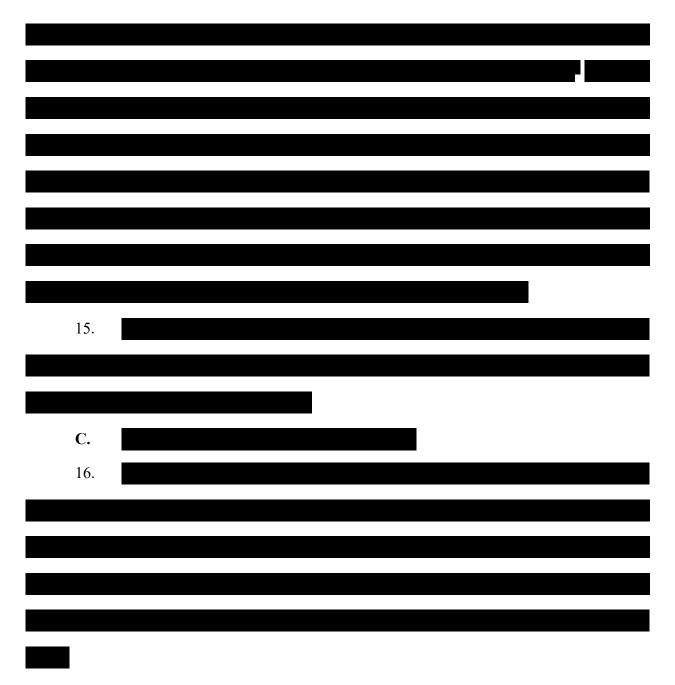
³

4.

The steps of claim 1 of the '682 patent must be performed "by a cable modem

termination s	ystem (CMTS)" and "by said CMTS." Ex. B ('682 patent) at 8:2-23.
5.	Entropic accuses
infringing the	e Asserted Claims of the '682 patent.
В.	
6.	Of the
7.	
8.	
9.	
i.	

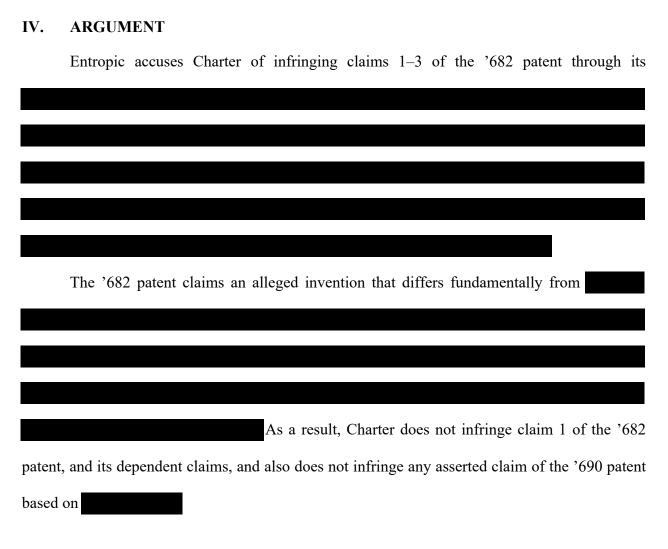
11. For the steps of claim 1 of the '682 patent requiring "assigning," "generating," and "selecting" "by said CMTS," 12.		
11. For the steps of claim 1 of the '682 patent requiring "assigning," "generating," and "selecting" "by said CMTS," . 12.		
11. For the steps of claim 1 of the '682 patent requiring "assigning," "generating," and "selecting" "by said CMTS," . 12.	10.	
"selecting" "by said CMTS," . 12. 13.		
"selecting" "by said CMTS," . 12. 13.		
"selecting" "by said CMTS," . 12. 13.		
13.	11.	For the steps of claim 1 of the '682 patent requiring "assigning," "generating," and
13.	"selecting" "l	by said CMTS,"
13.		
	12.	
14.	13.	
14.		
14.		
14.		
1 T+	14	
	17.	

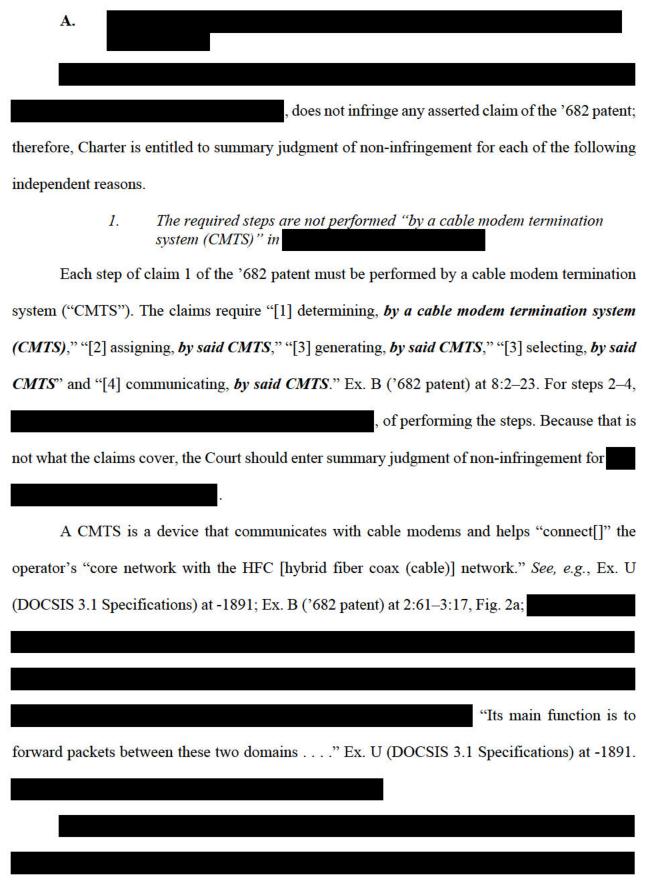


III. LEGAL STANDARD

"Summary judgment is appropriate when, drawing all justifiable inferences in the non-movant's favor, there exists no genuine issue of material fact and the movant is entitled to judgment as a matter of law." *Toshiba Corp.*, v. *Imation Corp.*, 681 F.3d 1358, 1361 (Fed. Cir.

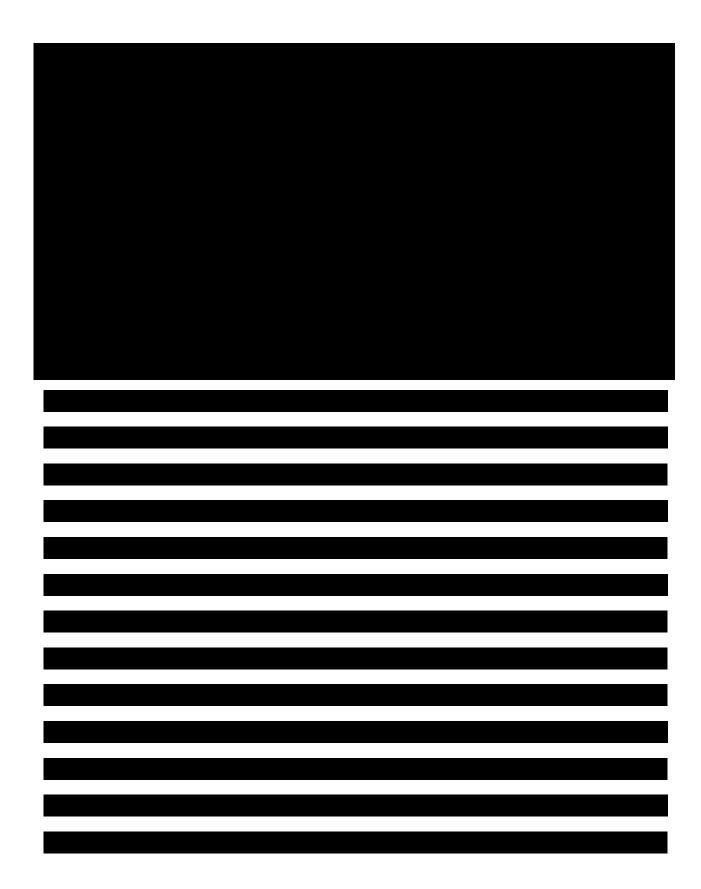
2012) (citing FED. R. CIV. P. 56 and *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)). When the non-movant "fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial," the moving party is entitled to summary judgment. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). In order to avoid summary judgment, the party opposing the motion must come forward with competent summary judgment evidence of the existence of a genuine fact issue. *See Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 585–86 (1986); *Anderson*, 477 U.S. at 257. In doing so, the nonmoving party "must do more than simply show that there is some metaphysical doubt as to the material facts." *Matsushita*, 475 U.S. at 586.

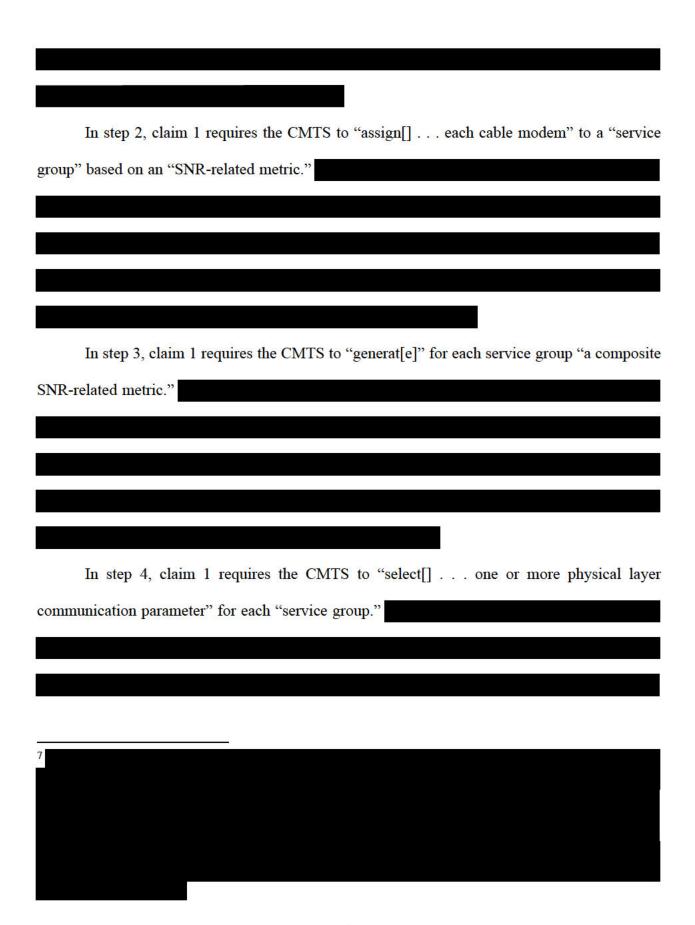




The CableLabs DOCSIS 3.1 Profile Management Application Technical Report describes
PMA's "architecture," explaining that its "functionality [can] be moved out of a CMTS and
implemented as an 'application' running outside the CCAP. Here the idea is to move the profile
creation process and an application <i>external to the CMTS</i> ." Ex. V (DOCSIS 3.1 Technical Report)
at -289; see also id. at -293 ("a Profile Management Application (PMA) external to the CMTS
has been envisioned").6

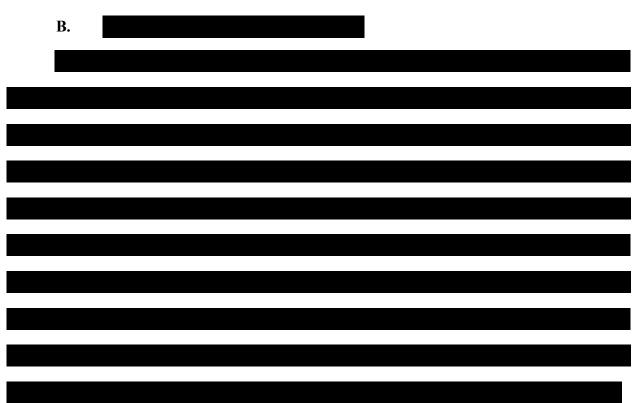
⁶ "By deploying the PMA application external to any one CMTS, the operator will be able to deploy one PMA application solution across different CMTS platforms" Ex. V (DOCSIS 3.1 Technical Report) at -293.





Because the accused steps of "assigning," "generating," and "selecting" in claim 1 were not performed "by a CMTS," Charter does not infringe any asserted claim of the '682 patent for this reason alone. 2. Claim 1 requires that a CMTS "determine[e] . . . for each cable modem" it serves, a corresponding SNR-related metric. The claim further requires "assigning . . . each cable modem among a plurality of service groups" based on that "corresponding SNR-related metric." Charter for the additional independent reason does not infringe in vith "each cable modem served" by any CMTS. that it has never

Because Charter did not use for "each cable modem served by" a CMTS, it cannot meet either the "determining" or "assigning" steps of claim 1 (and its dependents) of the '682 patent for this reason alone.



A method claim is not infringed unless someone "practiced all [the] steps." See, e.g., Lucent Techs., Inc. v. Gateway, Inc., 580 F.3d 1301, 1317 (Fed. Cir. 2009). Because Charter the Court should grant summary judgment of non-infringement for method claims 1, 2, and 3 of the '682 patent and method claims 7 and 8 (which depend on claim 1) of the '690 patent with respect to

V. CONCLUSION

For these reasons, Charter respectfully asks that the Court grant summary judgment in its favor and find that (1) claims 1, 2, and 3 of the '682 patent are not infringed; and (2) claims 7 and 8 of the '690 patent are not infringed by

Dated: September 11, 2023 Respectfully submitted,

/s/ Daniel Reisner by permission Elizabeth Long

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served September 11, 2023, on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ Elizabeth Long Elizabeth Long